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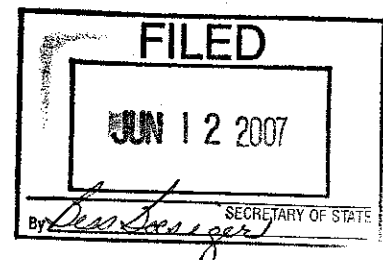
2007  
STATE OF NEBRASKA



Rules and Regulations  
Relating to  
Sign Language Interpreters  
Nebraska Commission for the  
Deaf and Hard of Hearing

Nebraska Commission for the Deaf and Hard of Hearing  
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**TITLE 96 – NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING**

**CHAPTER 1 – REGULATIONS AND PROCEDURES FOR THE PRACTICE AND  
APPOINTMENT OF SIGN LANGUAGE INTERPRETERS**

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## TITLE 96 NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING

### CHAPTER 1 PRACTICE AND APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

**001 SCOPE OF REGULATIONS.** These regulations apply to the licensure of interpreters and transliterators as defined by Revised Nebraska Statutes 20-150 to 20-159.

#### **002 DEFINITIONS.**

Appointing authority means the state agency or law enforcement personnel required to provide a licensed interpreter pursuant to sections 20-150 to 20-159 of the Revised Nebraska Statutes.

ASLTA means American Sign Language Teachers Association, a national organization that evaluates and certifies teachers of American Sign Language (ASL.)

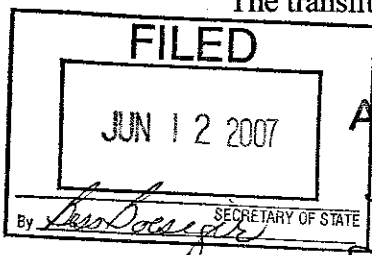
Auxiliary aid includes, but is not limited to, sign language interpreters, oral interpreters, tactile interpreters, other interpreters, notetakers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems.

Board means the Interpreter Review Board.

Certificate means a formal document verifying completion of a specific sign language proficiency level, course, or training program.

Certificate of Interpretation (CI) means that holders of this certificate are recognized as certified in interpretation and have demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification. Holders of the CI are recommended for a broad range of interpretation assignments. No restrictions are indicated for holders of the CI. This test is currently available through the Registry of Interpreters for the Deaf.

Certificate of Transliteration (CT) means that holders of this certificate are recognized as certified in transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification. Holders of the



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CT are recommended for a broad range of transliteration assignments. No restrictions are indicated for holders of the CT. This test is currently available through the Registry of Interpreters for the Deaf.

Certified Deaf Interpreter (CDI) means that holders of this certification are interpreters who are deaf or hard of hearing and who have completed at least eight hours of training on the RID Code of Ethics, and eight hours of training in general interpretation as it relates to the interpreter who is deaf or hard of hearing and have passed a comprehensive combination written and performance test. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial. No restrictions are indicated for holders of the CDI. This test is currently available through the Registry of Interpreters for the Deaf.

Certified Deaf Interpreter-Provisional (CDI-P) means that holders of this provisional certification are interpreters who are deaf or hard of hearing and who have demonstrated a minimum of one year experience working as an interpreter, completion of at least eight hours of training on the RID Code of Ethics, and eight hours of training in general interpretation as it relates to the interpreter who is deaf or hard of hearing. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial. No restrictions are indicated for holders of the CDI-P. The CDI-P examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Commission means the Nebraska Commission for the Deaf and Hard of Hearing.

Completed Application means an application with all of the information requested on the application filled in, the signature of the applicant, fees and all required documentation submitted.

Comprehensive Skills Certificate (CSC) means that holders of this certificate have demonstrated the ability to interpret between American Sign Language and spoken English and to transliterate between spoken English and an English-based sign language. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. No restrictions are indicated for holders of the CSC. The CSC examination was offered until 1987. This examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Continuing Education Unit (CEU) means for every ten hours of instruction, a participant receives one continuing education unit or one CEU. CEUs are awarded only for Commission approved continuing education activities.

Conditional Legal Interpreting Permit-Relay (CLIP-R) means that holders of this conditional permit have completed an RID recognized training program designed for interpreters and transliterators who work in legal settings and who are also Deaf or hard-of-hearing. Generalist certification for interpreters/transliterators who are Deaf or hard-of-hearing (RSC, CDI-P, or CDI) is required prior to enrollment in the training program. This permit is valid until one year after the Specialist Certificate: Legal written and performance test for Deaf interpreters is available nationally. CLIP-R holders must take and pass the new legal certification examination in order to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. The CLIP-R is currently available through the Registry of Interpreters for the Deaf.

Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter; or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or other auxiliary aid.

Formal Complaint means a written statement, prepared by legal counsel retained on behalf of the Commission, stating formal allegations against an interpreter and the rules or statutes violated. The formal complaint is filed with the Executive Director of the Nebraska Commission for the Deaf and Hard of Hearing and served on the interpreter.

Hearing Officer means the person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

Informal Complaint means any complaint against an interpreter or against a hiring entity submitted to the Nebraska Commission for the Deaf and Hard of Hearing. The complaint may be submitted in any form.

Intermediary interpreter means any person, including any deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a deaf or hard of hearing person and an interpreter.

Intermediary interpreting involves the use of gesture, mime, props, drawings, and/or other tools to enhance communication.

Interpretation Certificate (IC) means that holders of this certificate demonstrated ability to interpret between American Sign Language and spoken English. This individual received scores on the Comprehensive Skills Certificate (CSC) examination, which prevented the awarding of CSC certification or Interpretation Certificate/Transliteration Certificate (IC/TC) certification. The IC was formerly known as the Expressive Interpreting Certificate (EIC). The IC examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Interpretation Certificate/Transliteration Certificate (IC/TC) means that holders of this certificate demonstrated ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English. This individual received scores on the Comprehensive Skills Certificate (CSC) examination, which prevented the awarding of CSC certification. The IC/TC examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Interpreter or Transliterator License means a license that indicates proficiencies in interpretation or transliteration as described in 003.01 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150.

Interpreter or Transliterator Licensee means a person who holds a license that demonstrates proficiencies in interpretation or transliteration as described in 003.01 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150.

Interpreting means the process of providing accessible communication between persons who do not share a common means of communication.

Limited Practice License means a license held by a resident or nonresident allowing him or her to practice interpreting or transliterating in the State of Nebraska for up to 30 hours per calendar year. This license indicates proficiencies in interpretation or transliteration as described in 003.04 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150.

Limited Practice Licensee means a resident or nonresident who holds a license to practice interpreting or transliterating in the State of Nebraska for up to 30 hours per calendar year. The licensee demonstrates proficiencies in interpretation or transliteration as described in 003.04 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150.

NAD means the National Association of the Deaf. The NAD previously conducted an Interpreter Assessment and Certification Program. NAD has suspended testing and has developed a joint test with RID. Under the NAD testing system, interpreters could receive a Level I through a Level V rating. Levels I and II were not considered certified levels by the NAD but Levels III, IV and V are still recognized certifications:

Level III (Generalist) — Average Performance: The individual who attained this level possessed above average voice-to-sign skills and good sign-to-voice skills or vice versa. Demonstrated the minimum competence needed to meet generally accepted interpreter standards. Occasional words or phrases may be deleted but the expressed concept is accurate. Had good control of the grammar of the second language. Was generally accurate and consistent but is not qualified for all situations.

Level IV (Advanced) — Above Average Performance: The individual who attained this level possessed excellent voice-to-sign skills, above average sign-to-voice skills or vice versa. Demonstrated above average skill in any given area. Performance was consistent and accurate. Fluency was smooth, with little deleted, and the viewer had no question as to the candidate's competency. Should be able to interpret in most situations.

Level V (Master) — Superior Performance: The individual who attained this level possessed superior voice-to-sign skills and excellent sign-to-voice skills. Demonstrated excellent to outstanding ability in any given area. Performance was with a minimum of flaws. Demonstrates interpreting skills necessary in almost all situations.

NAD-RID Code of Professional Conduct means the document adopted by members of NAD and RID to outline the high standards of professionalism and ethical conduct expected of interpreters. The driving force behind the guiding principles is the notion that the interpreter will do no harm. This code became effective July 1, 2005. See Attachment A for a current copy of the NAD-RID Code of Professional Conduct.

National Council on Interpreting (NCI) means the committee that worked with the approval of the NAD and RID Boards of Directors on developing a National Interpreter Certification (NIC) test.

National Interpreter Certification (NIC) means the interpreter certification test developed by the National Council on Interpreting. This new test will replace the current RID generalist test (CI and CT). There are three levels of certification for those who pass the written, interview and performance tests: NIC, NIC Advanced and NIC Master. All three levels of this certification are considered professional-level certified interpreters. For the interview portion, certificate holders have demonstrated decision-making skills that meet or exceed basic professional standards. For the performance portion, certificate holders have demonstrated interpreting and transliterating performances that meet or exceed basic professional standards. Holders of all levels of the NIC are recommended for a broad range of interpretation and transliteration assignments. A further description of the levels follows:

NIC — Those who pass at this level have shown basic professional-level interpreting and transliterating skills.

NIC Advanced — Those who pass at this level have scored within the standard range on the interview portion and high on the performance portion of the examination.

NIC Master — Those awarded the NIC Master designation scored high on both the interview and performance portions of the test.

Oral interpreter means a person who interprets language through facial expression, body language, and mouthing.

Oral interpreting (also known as oral transliterating) is the process by which an oral interpreter (also known as an oral transliterator) silently rephrases a spoken English message, selecting the words that are most easily speech-readable to an oral deaf individual who uses speech and speech reading as primary forms of communication.

Oral Interpreting Certificate: Comprehensive (OIC:C) means that holders of this generalist certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard of hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard of hearing. No restrictions are indicated for holders of the OIC:C. This examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Oral Interpreting Certificate: Spoken to Visible (OIC:S/V) means that holders of this certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard of hearing. This individual received scores on the OIC:C examination, which prevented the awarding of OIC:C certification. The OIC:S/V examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Oral Interpreting Certificate: Visible to Spoken (OIC:V/S) means that holders of this certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard of hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination, which prevented the awarding of OIC:C certification. The OIC:V/S examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

Oral Transliteration Certificate (OTC) means that holders of this generalist certificate have demonstrated, using silent oral techniques and natural gestures, the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard of hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard of hearing. No restrictions are indicated for holders of the OTC. This test is currently available through the Registry of Interpreters for the Deaf.

Political Subdivision means a division of government less than the State.

Provisional License means a license awarded to a person for a one-year period. This license indicates proficiencies in interpretation or transliteration as described in 003.03 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150.

Provisional Licensee means a person who holds a license for a one-year period. The licensee demonstrates proficiencies in interpretation or transliteration as described in 003.03 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150.

QAST means Mid-America Quality Assurance Screening Test, a regional sign language interpreting and transliterating assessment tool. Interpreters can receive a Level I through a Level V rating:

Level I is the Entry beginner's level for the candidate who is able to expressively and receptively interpret or transliterate fifty percent of the performance screening. Interpreters with a Level I can be used in one-on-one situations where communication can be interrupted easily for clarification and situations where there will be limited voicing required. Interpreters with a Level I should not be used in the following situations: legal, mental health, educational, platform, serious medical or critical situations of any nature.

Level II is an Intermediate beginner's level for the candidate who is able to interpret or transliterate seventy-one percent of the performance screening. Interpreters with a Level II can be used in one-on-one situations where communication can be interrupted occasionally for clarification, situations where there will be limited voicing and limited platform interpreting required. A Level II interpreter can also be used in limited group sessions/workshops where communication can be interrupted easily for clarification. Interpreters with a Level II should not be used in the following situations: legal, mental health, educational, serious medical or critical situations of any nature.

Level III is an Advanced beginner's level for the candidate who is able to interpret or transliterate a minimum of eighty-six percent of the performance screening. Interpreters with a Level III can be used in most one-on-one situations, most group sessions, or most workshops with limited voicing required. Interpreters with a Level III should not be used in the following situations: legal, mental health, serious medical or critical situations of any nature.

Level IV is a Qualified level for the candidate who is able to interpret or transliterate a minimum of eighty percent of the advanced performance screening. Interpreters with a Level IV can function well as an interpreter or transliterator. Interpreters with a Level IV should not be used in the following situations: civil or criminal court cases or extensive mental health therapy.

Level V is an Accomplished level for the candidate who is able to interpret/transliterate a minimum of ninety-one percent of the advanced performance screening. No restrictions are indicated for an interpreter with a Level V.

Reverse Skills Certificate (RSC) means that holders of this certificate demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English. Holders of this certificate are deaf or hard of hearing and interpretation/transliteration is rendered in American Sign Language, spoken English, a signed code for English or written English.

Holders of the RSC are recommended for a broad range of interpreting assignments where the use of an interpreter who is deaf or hard of hearing would be beneficial. No restrictions are indicated for holders of the RSC. This examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

RID means Registry of Interpreters for the Deaf, a national organization that awards certification to interpreters and transliterators who successfully pass a national test. The test assesses not only language knowledge and communication skills, but also knowledge and judgment on issues of ethics, culture and professionalism. An interpreter may hold one or more certifications.

RID Code of Ethics means the set of principles of ethical behavior as adopted by the Registry of Interpreters for the Deaf, Inc. to protect and guide interpreters and transliterators and hearing and deaf consumers. Underlying these principles is the desire to ensure for all the right to communicate. RID adopted the NAD-RID Code of Professional Conduct as its code of ethics effective July 1, 2005.

Sign language interpreting involves the process known as interpretation and may include communication modalities involving visual, gestural and tactile channels.

Specialist Certificate: Legal (SC:L) means that holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience are required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting. This test is currently available through the Registry of Interpreters for the Deaf.

Specialty License means a license awarded to an individual who uses a specialized means of communicating with persons using sign language or another modality or who interprets or transliterates in a specialized setting. This license indicates proficiencies in interpretation or transliteration as described in 003.02 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150. The Board may provide a special license for this practice of interpreting or transliterating to those claiming specific expertise in legal interpreting, tactile communication or non-sign modalities such as cued speech or oral interpreting. Legal interpreting includes interpreting or transliterating in the following legal settings: court, police, and for attorneys.

Specialty Licensee means a person who holds a license that demonstrates proficiencies in interpretation or transliteration as described in 003.02 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section 20-150. This person uses a specialized means of communicating with persons using sign language or another modality or interprets or transliterates in a specialized setting.

State agency means any state entity which receives appropriations from the Legislature and includes the Legislature, legislative committees, executive agencies, courts, and probation officials but does not include political subdivisions.

Tactile interpreter means a person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Tactile interpreting is the process by which a deaf-blind person places his or her hands on top of the hands of the interpreter. This requires the interpreter to sign in a smaller space than usual and to incorporate visual information into the message.

Transliterating means the process of transmitting the message into an English-based variety of manual communication. The transliterator stays within the English language but changes the mode of that communication.

Transliteration Certificate (TC) means that holders of this certificate demonstrated the ability to transliterate between spoken English and a signed code for English. This individual received scores on the Comprehensive Skills Certificate (CSC) examination, which prevented the awarding of CSC certification or Interpretation Certificate/Transliteration Certificate (IC/TC) certification. The TC was formerly known as the Expressive Transliterating Certificate (ETC). The TC examination is no longer offered by the Registry of Interpreters for the Deaf but it is still a recognized certification.

### **003 ELIGIBILITY CRITERIA TO OBTAIN A LICENSE.**

003.01 Interpreter or Transliterator License An applicant for licensure to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must:

003.01A Have completed one of the following sets of requirements:

003.01A1 Hold one of the following valid certificates awarded by the National Council on Interpreting (NCI): NIC, NIC Advanced or NIC Master; or

003.01A2 Hold one of the following valid interpreter or transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID): Certificate of Interpretation, Certificate of Transliteration, Interpretation Certificate, Transliteration Certificate, Comprehensive Skills Certificate, or Interpretation Certificate/Transliteration Certificate; or

003.01A3 Hold a valid Level III or higher on the Interpreter Proficiency Certificate awarded by the National Association of the Deaf (NAD); or

003.01A4 Hold a valid Level III or higher in Interpreting or Transliterating on the Mid-America Quality Assurance Screening Test; and

003.01B Be 18 years of age or older; and

003.01C Have attained a high school diploma or equivalent.

003.02 Specialty License Special licenses may be sought by persons dealing with specific communication modalities associated with the practice of interpreting or transliterating or by persons working in specialized settings as specified in the definition in section 002. The Board may provide special licenses for this practice of interpreting or transliterating to those claiming specific expertise in legal interpreting, intermediary interpreting, tactile communication, or non-sign modalities such as cued speech or oral interpreting. Individuals holding an Interpreter or Transliterator license do not have to pay an additional fee for a Specialty License if he or she meets the qualifications in section 003.02. An applicant for licensure to practice specialized interpreting must:

003.02A Have completed one of the following sets of requirements:

003.02A1 Hold one of the following valid oral interpreting certificates awarded by the Registry of Interpreters for the Deaf (RID): Oral Transliteration Certificate, Oral Interpreting Certificate: Comprehensive, Oral Interpreting Certificate: Spoken to Visible, or Oral Interpreting Certificate: Visible to Spoken; or

003.02A2 Hold one of the following valid intermediary certificates awarded by the Registry of Interpreters for the Deaf (RID): Certified Deaf Interpreter, Certified Deaf Interpreter-Provisional, or Reverse Skills Certificate; or

003.02A3 Hold one of the following valid legal certificates awarded by the Registry of Interpreters for the Deaf (RID): Specialist Certificate: Legal or Conditional Legal Interpreting Permit-Relay; or

003.02A4 Have written documentation of having completed 8 hours of training on the RID Code of Ethics, 8 hours of training related to the role and function of a deaf or hard of hearing intermediary interpreter and have passed the Mid-America Quality Assurance Screening Test written Code of Ethics examination. Have demonstrated ability to communicate non verbally through passing the Language Proficiency Interview examination. The 16 hours of training must be from any of the following sources, alone or in combination:

003.02A4a Alexander Graham Bell Association of the Deaf; or

003.02A4b American Sign Language Teachers Association (ASLTA); or

003.02A4c National Association of the Deaf (NAD); or

003.02A4d Registry of Interpreters for the Deaf (RID) — Certification Maintenance Program; or

003.02A4e Registry of Interpreters for the Deaf (RID) — Associate Continuing Education Training; or

003.02A4f Nebraska Commission for the Deaf and Hard of Hearing (NCDHH);  
or

003.02A4g Training preapproved by the Board; and

003.02B Be 18 years of age or older; and

003.02C Have attained a high school diploma or equivalent.

003.03 Provisional License A one year provisional license may be issued to an applicant who meets the following requirements. Such applicant must:

003.03A Have completed one of the following sets of requirements:

003.03A1 Hold a valid Novice Level II on the Interpreter Proficiency Assessment awarded by the National Association of the Deaf (NAD); or

003.03A2 Hold a valid Level II in interpreting or transliterating on the Mid-America Quality Assurance Screening Test (QAST); or

003.03A3 Hold a valid interpreter certificate by another jurisdiction or a national organization that administers certification examinations. The interpreter certificate must be comparable to the levels found in 003.03A1 or 003.03A2 in these regulations; and

003.03B Be 18 years of age or older; and

003.03C Have attained a high school diploma or equivalent.

003.04 Limited Practice License A resident or nonresident applicant may be granted a limited practice license to practice interpreting or transliterating in the State of Nebraska for up to 30 hours per calendar year. An applicant for a limited practice license must meet all of the requirements as cited in 003.01 or 003.02 in these regulations and must:

003.04A Be currently licensed, certified, or registered in another state if that state has substantially the same requirements or more stringent requirements as cited in 003.01 or 003.02 in these regulations; and

003.04B Be 18 years of age or older; and

003.04C Have attained a high school diploma or equivalent.

**004 APPLICATION PROCESS FOR OBTAINING A LICENSE.** A license is required to practice interpreting or transliterating for any state entity, including the Legislature, legislative committees, executive agencies, courts, and probation officials. The Commission will act within 30 days upon all completed applications for licensure. The process for obtaining a license to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska is set forth below:

004.01 Interpreter or Transliterators License An applicant for a license based on an examination to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must submit to the Commission:

004.01A Official documentation of passing the licensure examination, as cited in 003.01A in these regulations;

004.01B A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application;

004.01C Official documentation of having attained a high school diploma or equivalent; and

004.01D The required license fee.

004.01E Applicants who are denied an Interpreter or Transliterators License may challenge this action in accordance with section 013.

004.02 Specialty License An applicant for a specialty license must submit to the Commission:

004.02A Official documentation of credentials or training as cited in 003.02A in these regulations;

004.02B For those individuals who qualify for a Specialty License as an Intermediary Interpreter under section 003.02A4 only: official documentation of having passed an examination on interpreting ethics as approved by the Commission;

004.02C A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application;

004.02D Official documentation of having attained a high school diploma or equivalent; and

004.02E The required license fee.

004.02F Applicants who are denied a Specialty License may challenge this action in accordance with section 013.

004.03 Provisional License A one year provisional license may be issued to an applicant.

004.03A An applicant for a one year provisional license must submit to the Commission:

004.03A1 Official documentation of examination by the appropriate body as cited in 003.03A in these regulations;

004.03A2 A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application;

004.03A3 A written plan for achieving a license as an interpreter or transliterator. This written plan must be submitted on a form approved by the Nebraska Commission for the Deaf and Hard of Hearing;

004.03A4 Official documentation of having attained a high school diploma or equivalent; and

004.03A5 The required license fee.

004.03A6 Applicants who are denied a Provisional License may challenge this action in accordance with section 013.

004.03B The provisional license will be valid for a one year period.

004.03C A person holding a provisional license may apply to the Commission for a one time one year extension. The Commission may grant a one time one year extension if it finds that the applicant has a reasonable expectation of attaining licensure within one year or that extenuating circumstances have prevented the applicant from making reasonable progress towards licensure within the past year. A provisional license holder applying for a one time one year extension must submit to the Commission:

004.03C1 Official documentation of maintaining the requirements as cited in 003.03A in these regulations;

004.03C2 A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application;

004.03C3 A written plan for achieving a license as an interpreter or transliterator. This written plan must be submitted on a form approved by the Nebraska Commission for the Deaf and Hard of Hearing;

004.03C4 A written rationale for the requested extension; and

004.03C5 The required license fee.

004.03D If the Commission grants the extension, a letter notifying the applicant of the approval for extension will be sent from the Commission.

004.03E If the Commission denies the extension, a certified letter notifying the applicant of the denial will be sent from the Commission. Applicants who are denied a one year extension of their Provisional License may challenge this action in accordance with section 013.

004.03F Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application.

004.03G Sixty days prior to the expiration of the Provisional License, a notice will be sent informing the Provisional Licensee of the need to apply for licensure or request an extension.

004.04 Limited Practice License An applicant for a limited practice license to practice interpreting or transliterating for deaf or hard of hearing individuals must submit to the Commission:

004.04A Documentation that he or she meets the requirements as cited in 003.04 in these regulations;

004.04B A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application;

004.04C Official documentation of having attained a high school diploma or equivalent; and

004.04D The required license fee.

004.04E Applicants who are denied a Limited Practice License may challenge this action in accordance with section 013.

**005 FEES.** The following fees have been set by the Commission upon recommendation of the Board to be paid as a condition of issuance of a license pursuant to Revised Nebraska Statutes section 20-156:

005.01 Interpreter or Transliterator License An applicant for an Interpreter or Transliterator License must pay a fee of \$150 for a two year period.

005.02 Specialty License An applicant for a Specialty License must pay a fee of \$50 for a two year period.

005.03 Provisional License An applicant for a Provisional License must pay a fee of \$50 for a one year period.

005.04 Limited Practice License An applicant for a Limited Practice License must pay a fee of \$25 for a one year period.

005.05 Renewal Fee Is the same as the initial license fee for each category; 005.01, 005.02 and 005.04.

005.06 Late Charge An applicant for renewal on a biennial basis of a license who fails to pay the renewal fee on or before the expiration date of his or her license will have 30 days to pay an additional fee of \$25 as a late charge. After 30 days the license is revoked and the \$75.00 reinstatement fee applies.

005.07 Duplicate Original License The fee for a duplicate original license is \$10.00. This includes issuing a duplicate license due to a name change.

005.08 Certified Statement The fee for a certified statement that a license holder is licensed in the State of Nebraska is \$25.

005.09 Verification of Nebraska License The fee for verification that a license holder is licensed in the State of Nebraska is \$5.00.

005.10 Administrative Charge Any applicant whose application is rejected or withdrawn is entitled to the return of his or her fee less an administrative charge of \$25, unless the fee remitted is less than \$25, in which case the entire fee is forfeited.

005.11 Reinstatement Fee An applicant for reinstatement of his or her license must pay a fee of \$75 in addition to the regular renewal fee.

## **006 CONTINUING EDUCATION.**

006.01 Continuing Education Requirements All persons applying for renewal of an Interpreter or Transliterator License, or for renewal of a Specialty License must:

006.01A Have completed 20 clock hours of approved continuing education during the preceding 24 month period. A minimum of 15 clock hours must be completed in the area of Professional Studies. Professional Studies contains content that directly affects the field of interpreting or transliterating. A maximum of 5 clock hours may be completed in the area of General Studies. General Studies includes topics that enhance the interpreter/transliterator's critical thinking skills and general ideas typically understood within the mainstream American Culture. The Commission has final approval of all continuing education activities. License holders must:

006.01A1 Ensure that the continuing education activity is approved by the Commission;

006.01A2 Maintain certificates of attendance or records of credit from continuing education activities;

006.01B Submit to the Commission documentation of continuing education hours on a form approved by the Nebraska Commission for the Deaf and Hard of Hearing. Only forms that are complete will be considered. Incomplete forms will be returned with a letter informing the applicant of the information necessary to complete the form. Documentation must be submitted to the Commission no more than 60 days prior to license expiration.

006.01B1 Documentation of continuing education activities must include:

006.01B1a The name of the approved workshop, the title of the activity or the name of the approved in-service provider;

006.01B1b The date(s) of the activity; and

006.01B1c The number of hours received for the activity.

006.01C If applicable, submit an application for waiver of the continuing education requirement pursuant to 006.05 of these regulations.

006.02 Approval of Continuing Education Activities

006.02A The following types of activities are preapproved by the Commission for continuing education credit:

006.02A1 Programs at the following State or National meetings: examples include but are not limited to, workshops or conferences hosted by the Alexander Graham Bell Association of the Deaf, the American Sign Language Teachers Association (ASLTA), the Conference of Interpreter Trainers (CIT), the National Association of the Deaf (NAD), the Nebraska Association of the Deaf (NeAD), the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH), the Nebraska Registry of Interpreters for the Deaf (NeRID), or the Registry of Interpreters for the Deaf, Inc. (RID);

006.02A2 Activities which are approved by an RID approved sponsor. These activities include:

006.02A2a RID Approved Sponsor Initiated Activities such as workshops, short courses, conferences, silent weekends and CD ROM Workshops; Participant-Initiated Activities such as academic coursework (formal education courses), in-service workshops, workshops or conferences of other organizations; and

006.02A2b Independent study activities which are approved by an RID approved sponsor. Activities include, but are not limited to, home study with videos, research or literature reviews, study groups, acting as a mentor or being mentored, curriculum/workshop development, or teaching a workshop for the first time. Licensee may complete a maximum of 5 hours of continuing education requirements by independent study each 24 month renewal period.

006.02B Procedure for Obtaining Approval for Continuing Education Activity Providers The Commission will evaluate applications from providers of continuing education activities in order to determine if approval is to be granted or denied.

006.02B1 To be approved, a continuing education activity must meet the following criteria:

006.02B1a The activity must be at least 60 minutes in duration; and

006.02B1b The presenter or author(s) (in the case of independent study) of the activity must be qualified by education, experience or training.

006.02B2 A completed application must be submitted. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application. The following information must be included in the application:

006.02B2a Title of the activity;

006.02B2b A description in detail of activity content (attach brochure/flyer);

006.02B2c A description of activity objectives;

006.02B2d A description of the qualifications of each presenter or author(s), in the case of independent study;

006.02B2e The number of hours for which approval is requested;

006.02B2f The name, address, and telephone number of the provider and his or her administrator or operating officer (if applicable);

006.02B2g A description of the process the provider uses to verify attendance by the license holder;

006.02B2h A sample copy of the documentation the provider issues to the license holder as proof of attendance at the activity; and

006.02B2i Date(s), time(s) and place of the activity.

006.02B3 The provider may submit such additional documents or information as the applicant may consider relevant to the application and shows compliance with the provisions of these regulations.

006.02B4 The provider must submit a complete application to the Commission at least 45 days prior to the date on which the activity is to be given to gain approval before the activity is presented.

006.02B5 Once a provider is granted approval by the Commission for a continuing education activity, reapproval is not required for each subsequent occasion on which the activity is administered so long as the activity is not changed. If any portion of the activity is changed, reapplication must be made in accordance with 006.02B.

006.02B6 Applications for approval of a continuing education activity made after the activity has occurred will be denied.

006.02B7 If the Commission approves the application, an Approval Letter will be sent to the applicant.

006.02B8 After the Commission has granted its written approval of the application, the provider is entitled to state upon any publication which advertises or announces the activity, the following statement: "This activity is approved for \_\_\_\_ hours of continuing education by the Nebraska Commission for the Deaf and Hard of Hearing."

006.03 Continuing Education Credit for Presenters A license holder who is also a presenter may receive credit for presenting a continuing education activity.

006.03A The license holder must:

006.03A1 Obtain approval from the Commission before giving a presentation to ensure continuing education hours will be granted for that activity. To be approved, the presenter's continuing education activity must meet the following criteria:

006.03A1a The activity must be at least 60 minutes in duration; and

006.03A1b The presenter of the activity must be qualified by education, experience or training.

006.03A2 Maintain documentation of having presented an approved continuing education activity (see 006.03A3.)

006.03A3 Submit a completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application. The following information must be included in the application:

006.03A3a Title of the activity;

006.03A3b A description in detail of activity content (attach brochure/flyer);

006.03A3c A description of activity objectives;

006.03A3d A description of the qualifications of the presenter;

006.03A3e The number of hours for which approval is requested and whether the content area is professional studies or general studies;

006.03A3f The name, address, telephone number and social security number of the provider and his or her administrator or operating officer (if applicable);

006.03A3g A description of the process the provider uses to verify attendance by license holders at his or her presentation;

006.03A3h A sample copy of the documentation the provider issues to the license holder as proof of attendance at the activity; and

006.03A3i Date(s), time(s) and place of the activity.

006.03B The provider may submit such additional documents or information as the applicant may consider relevant to the application and shows compliance with the provisions of these regulations.

006.03C One hour of continuing education credit will be awarded for each hour of presentation by a licensee if the activity relates to the theory or application of theory pertaining to interpreting or transliterating.

006.03D A presenter may receive credit for the initial presentation of the activity only. Credit will not be given for subsequent presentations of the same activity.

006.04 Denial of Continuing Education Activities

006.04A The Commission will deny an application for approval of a continuing education activity or will suspend or revoke approval of a continuing education activity on any of the following grounds:

006.04A1 Fraud or misrepresentation of information in an application; or

006.04A2 Program content and format, activity duration, or the presenter's qualifications fail to meet the requirements specified in 006.02.

006.04B The Commission may grant or deny an application for approval of continuing education activities. Should the Commission determine to deny an application for approval of a continuing education activity, it will send to the applicant by certified mail to the last name and address of record at the Commission, a notice setting forth the reasons for the determination.

006.04C Applicants who are denied approval of a continuing education activity may challenge this action in accordance with section 013.

006.05 Waiver of Continuing Education Requirements Any license holder who seeks a waiver of continuing education, in part or in total, for any two year licensing period must apply to the Commission. The Commission, on recommendation of the Board, may waive continuing education requirements, in part or in total, for any two year period.

006.05A The license holder must submit:

006.05A1 A completed application. Only applications that are complete will be considered, and the application must be received by the Commission at least 30 days before the date of the expiration of the license. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application.

006.05A2 Documentation of the circumstances beyond the license holder's control which prevented completion of continuing education requirements. Circumstances include, but are not limited to, the following:

006.05A2a If the license holder has served in the armed forces of the United States during part of the 24 months immediately preceding the license renewal date, he or she must mark the appropriate response on the application and submit official documentation stating the dates of such service.

006.05A2b If the license holder was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of hours of continuing education during the 24 months immediately preceding the license renewal date, he or she must mark the appropriate response on the application and submit a written statement from a treating physician(s) stating that the license holder was injured or ill, the duration of the illness or injury and the recovery period, and that the license holder was unable to attend continuing education activities during that period.

006.05A2c The license holder who has not been licensed for 24 months prior to the renewal date, may have part or all of the CEU requirements waived. License holder must mark the appropriate response on the application and state date license was first issued.

006.05B The Commission, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing education requirements, upon receiving proof that circumstances beyond the applicant's control prevented completion of such requirements.

006.05C The Commission will notify the applicant of the Commission's decision within 30 days of receipt of the application for waiver of continuing education requirements. The notification will be sent by certified mail to the last name and address of record at the Commission.

006.05D Applicants who are denied a waiver of continuing education requirements may challenge this action in accordance with section 013.

**007 PROCESS FOR LICENSE RENEWAL.** The process for renewing a license to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska is set forth below:

007.01 Expiration Date

007.01A The Interpreter or Transliterators License will expire on June thirtieth (30) of every odd year.

007.01B The Specialty License will expire on June thirtieth (30) of every odd year.

007.01C The Limited Practice License will expire on June thirtieth (30) of every year or upon completion of 30 hours of interpreting work in the State of Nebraska within the license year; whichever occurs first.

007.01D The Provisional License will expire one year from the date of issuance of the license.

007.02 Renewal Notices Renewal notices will be sent to licensed interpreters informing them that they need to renew their licenses. A first notice will be sent 60 days prior to the license expiration date. A second notice will be sent 30 days prior to the license expiration date. Both the first and second notice will be sent to the last name and address of record at the Commission.

007.03 Interpreter or Transliterators License An applicant for license renewal to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must submit to the Commission:

007.03A Official documentation of maintaining the requirements as cited in 003.01A in these regulations;

007.03B A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and

007.03C The required license fee.

007.03D Applicants who are denied renewal of an Interpreter or Transliterators License may challenge this action in accordance with section 013.

007.04 Specialty License An applicant for license renewal of a specialty license must submit to the Commission:

007.04A Official documentation of maintaining the requirements as cited in 003.02A in these regulations;

007.04B A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and

007.04C The required license fee.

007.04D Applicants who are denied renewal of a Specialty License may challenge this action in accordance with section 013.

007.05 Limited Practice License An applicant for license renewal of a limited practice license to practice interpreting or transliterating for deaf or hard of hearing individuals must submit to the Commission:

007.05A Official documentation of maintaining the requirements as cited in 003.04A in these regulations;

007.05B A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and

007.05C The required license fee.

007.05D Applicants who are denied renewal of a Limited Practice License may challenge this action in accordance with section 013.

## **008 LICENSE EXPIRATION.**

008.01 Expiration for Nonpayment of Renewal Fees When a license holder fails to pay the required renewal fee, the license will be invalid 30 days following the renewal date pursuant to Revised Nebraska Statutes section 20-156. A license expiration notice will be sent by certified letter from the Commission. The notice will specify:

008.01A That the license holder failed to renew the license;

008.01B That the license has expired;

008.01C That the license holder has a right to challenge the expiration notice in accordance with section 013; and

008.01D That the license holder has a right to request reinstatement of the license in accordance with section 012.

008.02 Expiration for Failure to Maintain Required Certificate or Assessment Level When a license holder fails to maintain the requirements as cited in 003.01A, 003.02A, 003.03A, or 003.04A the license will expire. An expiration notice will be sent by certified letter from the Commission. The expiration notice will specify:

008.02A That the license has expired;

008.02B That the license holder has a right to challenge the expiration notice in accordance with section 013; and

008.02C That the license holder has a right to request reinstatement of the license in accordance with section 012.

008.03 Expiration for Failure to Meet Continuing Education Requirements When a license holder fails to meet the continuing education requirements for license renewal as cited in 006.01, 006.02 and 006.03 and has not been granted a waiver as cited in 006.05, the license will automatically expire. An expiration notice will be sent by certified letter from the Commission. The expiration notice will specify:

008.03A That the license holder failed to meet continuing education requirements;

008.03B That the license has expired;

008.03C That the license holder has a right to challenge the expiration notice in accordance with section 013; and

008.03D That the license holder has a right to request reinstatement of the license in accordance with section 012.

**009 INVESTIGATING COMPLAINTS AND DISCIPLINARY ACTIONS.** This rule outlines the procedures for investigating complaints and taking disciplinary action against appointing authorities, licensed interpreters and unlicensed interpreters.

009.01 Acknowledgment The Commission will acknowledge all complaints in writing within ten business days after being received.

009.02 Investigation Upon designation by the Commission, the Board will act as a Board of Inquiry to investigate:

009.02A Complaints alleging the use of unlicensed interpreters by any appointing authority in violation of Nebraska Revised Statutes sections 20-150 to 20-159, or complaints alleging the violation of the Rules and Regulations of the Commission.

009.02B Complaints alleging a licensed interpreter has violated any provision of sections 20-150 to 20-159, sections 71-4728 to 71-4732, or any rule or regulation of the Commission adopted and promulgated pursuant to such sections, including rules and regulations governing unprofessional conduct.

009.02C Complaints alleging a person is providing interpreting services pursuant to sections 20-150 to 20-159 without a license.

009.03 Evaluation and Action The Board of Inquiry will investigate and evaluate the complaints and make a recommendation to the Commission.

009.03A If the Commission finds that an appointing authority has used an unlicensed interpreter in violation of Nebraska Revised Statutes sections 20-150 to 20-159, the Commission will notify in writing the appointing authority of the violation and monitor such appointing authority to prevent future violations.

009.03B If the Commission finds reason to believe that a licensed interpreter or an applicant for licensure as a licensed interpreter has violated any provision of sections 20-150 to 20-159, sections 71-4728 to 71-4732, or any rule or regulation of the Commission adopted and promulgated pursuant to such sections, the Commission will refer the matter to the Interpreter Issues Committee.

009.03B1 If the Interpreter Issues Committee decides to proceed with possible disciplinary action, the Executive Director will consult with the Nebraska Attorney General's office and will retain legal counsel to prosecute the disciplinary charges. A formal complaint will be prepared, filed with the Executive Director and served on the interpreter. Such formal complaint will specify the charges being brought against the interpreter and set forth in general terms the facts alleged to support the charges.

009.03B2 At the time legal counsel files the formal complaint and the formal complaint is served on the interpreter, the interpreter will also be informed that he or she may contest the charges and the possible imposition of discipline. If the interpreter wants to contest the charges, he or she must, within fifteen (15) days, file an answer to the charges with the Executive Director and request a hearing.

009.03B2a If the interpreter does not file an answer to the charges within fifteen (15) days and request a hearing, the following will occur:

009.03B2a1 The Commission will, by majority vote, make its final decision in the matter based upon evidence submitted by the Interpreter Issues Committee.

009.03B2a2 The procedure continues with section 009.03B7.

009.03B3 Upon receipt of an answer from the interpreter contesting the charges and requesting a hearing, the Commission, through its Executive Director, will appoint a neutral hearing officer to schedule an evidentiary hearing within thirty (30) days following receipt of the request for hearing. The hearing officer will preside over all proceedings in the case until completion of the hearing and submission of the hearing officer's findings of facts, conclusions of law, and recommended decision to the Commission.

009.03B4 The hearing officer will cause a complete record of all proceedings to be maintained. The hearing officer, within 30 days after completion of the hearing, will submit his or her written findings of fact, conclusions of law and recommended decision to the Commission and will also serve copies of such document on the interpreter or his or her attorney and the attorney prosecuting the charges.

009.03B5 The Commission will review the hearing officer's findings of fact, conclusions of law, and recommended decision and may also review any or all portions of the hearing record, including testimony and exhibits it deems pertinent. The Commission may, but is not required to, afford the interpreter and the attorney prosecuting the matter for the Commission the opportunity to present written and/or oral argument to it in response to the hearing officer's written findings of fact, conclusions of law and recommended decision.

009.03B6 The Commission will, by majority vote, make its final decision in the matter.

009.03B7 Notice of the Commission's final decision will be served on the interpreter or the interpreter's attorney of record promptly after it is made by regular United States mail. If the interpreter is found guilty of the charges, a disciplinary notice will be sent by certified letter from the Commission. The disciplinary notice will specify:

009.03B7a The specific grounds violated;

009.03B7b That the Commission has taken disciplinary action against the license holder, and the nature of the disciplinary action;

009.03B7c That the license holder has a right to appeal the disciplinary action in accordance with section 013; and

009.03B7d That the license holder has a right to request reinstatement of the license in accordance with section 012.

009.03B8 Any person aggrieved by the final Commission decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. § 84-917.

009.03B9 The procedure for hearings in contested disciplinary cases before the Commission shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

009.03C If the Commission finds reason to believe that a person is providing interpreting services pursuant to sections 20-150 to 20-159 without a license, the Commission may restrain the individual by issuing a cease-and-desist order or issuing temporary or permanent injunctions. The cease-and-desist order or temporary or permanent injunctions will be served on the individual by certified letter from the Commission.

009.04 Confidentiality Information regarding complaints that do not result in a hearing being held will be kept confidential by all members of the Commission and the Board. The Commission and the Board will abide by Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

**010 DISCIPLINARY ACTION AGAINST AN INTERPRETER.**

010.01 Grounds for Disciplinary Action The Board will sit as a Board of Inquiry.

010.01A The Commission may deny, refuse to renew, limit, revoke, suspend, or take other disciplinary actions against a license when the applicant or licensee is found to have violated any provision of sections 20-150 to 20-159, or sections 71-4728 to 71-4732, or any rule or regulation of the Commission adopted and promulgated pursuant to such sections, including rules and regulations governing unprofessional conduct. After June 30, 2007, any person providing interpreting services pursuant to sections 20-150 to 20-159 without a license issued pursuant to this section may be restrained by temporary and permanent injunctions. Disciplinary action may be taken against a license holder on any of the following grounds:

010.01A1 Failure to maintain the required certificate or assessment level; or

010.01A2 Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure, or renewing or attempting to renew a license; or

010.01A3 Unethical, unprofessional, dishonorable or grossly immoral conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for the practice of interpreting or transliterating; or

010.01A4 Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has rational connection with the license holder's renewal or fitness or capacity to practice interpreting or transliterating; or

010.01A5 Violating the NAD-RID Code of Professional Conduct as currently adopted by the national Registry of Interpreters for the Deaf, Inc., a copy of which is attached as Attachment A and incorporated into these regulations by this reference; or

010.01A6 Violating the terms of probation should the Commission place the license holder on probation; or

010.01A7 Interpreting while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or by physical, mental, or emotional disability; or

010.01A8 Commission of any act of sexual abuse, misconduct or exploitation related to the practice of interpreting.

010.02 Procedure

010.02A An informal complaint is received by the Commission from the public or elsewhere.

010.02B Commission staff will review the informal complaint to determine if the complaint merits further investigation. If it is found that the complaint does not merit further investigation, no action is taken. If Commission staff determine that the informal complaint merits further investigation, the following steps are taken:

010.02B1 The informal complaint is referred to the Board for investigation.

010.02B2 The Board conducts the investigation with the aid of the Executive Director and/or investigators to be retained by the Commission. The Board, Executive Director and/or investigators may ask the interpreter for his or her version of the events.

010.02B3 After the investigation is complete, the matter goes to the Board to determine if there is a reasonable basis to believe that a violation has occurred and discipline may be warranted.

010.02B4 If the Board determines that there is a reasonable basis to believe that a violation has occurred and discipline may be warranted, the Board will so notify the Commission in writing. The Commission will then refer the matter to the Interpreter Issues Committee.

010.02B5 If the Interpreter Issues Committee decides to proceed with possible disciplinary action, the Executive Director will consult with the Nebraska Attorney General's office and will retain legal counsel to prosecute the disciplinary charges. A formal complaint will be prepared, filed with the Executive Director and served on the interpreter. Such formal complaint will specify the charges being brought

against the interpreter and set forth in general terms the facts alleged to support the charges.

010.02B6 At the time legal counsel files the formal complaint and the formal complaint is served on the interpreter, the interpreter will also be informed that he or she may contest the charges and the possible imposition of discipline. If the interpreter wants to contest the charges, he or she must, within fifteen (15) days, file an answer to the charges with the Executive Director and request a hearing.

010.02B6a If the interpreter does not file an answer to the charges with the Executive Director within fifteen (15) days and request a hearing, the following will occur:

010.02B6a1 The Commission will, by majority vote, make its final decision in the matter.

010.02B6a2 The procedure continues with section 010.02B11.

010.02B7 Upon receipt of an answer from the interpreter contesting the charges and requesting a hearing the Commission, through its Executive Director, will appoint a neutral hearing officer to schedule an evidentiary hearing within thirty (30) days following receipt of the request for hearing. The hearing officer will preside over all proceedings in the case until completion of the hearing and submission of the hearing officer's findings of facts, conclusions of law, and recommended decision to the Commission.

010.02B8 The hearing officer will cause a complete record of all proceedings to be maintained. The hearing officer, within 30 days after completion of the hearing, will submit his or her written findings of fact, conclusions of law and recommended decision to the Commission and will also serve copies of such document on the interpreter or his or her attorney and the attorney prosecuting the charges.

010.02B9 The Commission will review the hearing officer's findings of fact, conclusions of law, and recommended decision and may also review any or all portions of the hearing record, including testimony and exhibits it deems pertinent. The Commission may, but is not required to, afford the interpreter and the attorney prosecuting the matter for the Commission the opportunity to present written and/or oral argument to it in response to the hearing officer's written findings of fact, conclusions of law and recommended decision.

010.02B10 The Commission will, by majority vote, make its final decision in the matter.

010.02B11 Notice of the Commission's final decision will be served on the interpreter or the interpreter's attorney of record promptly after it is made by regular United States mail. If the interpreter is found guilty of the charges, a disciplinary notice will be sent by certified letter from the Commission. The disciplinary notice will specify:

010.02B11a The specific grounds violated;

010.02B11b That the Commission has taken disciplinary action against the license holder, and the nature of the disciplinary action;

010.02B11c That the license holder has a right to appeal the disciplinary action in accordance with section 013; and

010.02B11d That the license holder has a right to request reinstatement of the license in accordance with section 012.

010.02B12 Any person aggrieved by the final Commission decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. § 84-917.

010.02B13 The procedure for hearings in contested disciplinary cases before the Commission shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

## **011 SANCTIONS.**

011.01 Types of Sanctions If the Commission determines that a licensed interpreter or an applicant for licensure as a licensed interpreter has committed a violation of Nebraska Revised Statutes sections 20-150 to 20-159, or of the Rules and Regulations of the Commission, it may discipline the individual by taking one or more of the following actions:

011.01A The Commission may deny the issuance of a license to the applicant.

011.01B The Commission may refuse to renew the license of the licensed interpreter.

011.01C The Commission may limit the extent, scope, or type of practice of the licensed interpreter. Any such limitation must be reasonably related to the nature of the violation.

011.01D The Commission may revoke the license of the licensed interpreter.

011.01E The Commission may suspend the license of the licensed interpreter. The Commission may impose conditions which must be met in order for the suspension to be lifted, or may make the suspension effective for a fixed period. Any conditions imposed must be reasonably related to the nature of the violation.

011.01F The Commission may place the license of a licensed interpreter on probation for a fixed period. The Commission shall identify terms with which the licensed interpreter must comply during the probationary period.

011.02 Appeals Appeals will be conducted in accordance with section 013.

## **012 LICENSE REINSTATEMENT.**

012.01 License Reinstatement if Expiration Due to Failure to Pay Renewal Fees, Failure to Maintain Certificate or Assessment Level, or Failure to Meet Continuing Education Requirements An applicant whose license expired due to nonpayment of renewal fees, failure to maintain certificate or assessment level, or failure to meet continuing education requirements may seek reinstatement as follows:

012.01A A person whose license expired may have such license reinstated by the Commission following payment of required fees if other requirements for renewal are met.

012.01B The applicant must submit to the Commission:

012.01B1 A completed application. Only applications that are complete will be considered. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application;

012.01B2 A renewal fee (which is to be the same as the initial license fee for each category 005.01 - 005.04), plus a reinstatement fee;

012.01B3 If license expired due to failure to maintain certificate or assessment level, documentation that the applicant currently possesses the required certificate or assessment level as cited in 003.01A, 003.02A, 003.03A or 003.04A; and

012.01B4 If license expired due to failure to complete required continuing education hours as cited in 006.01 and 006.02 and no waiver was granted as cited in 006.05, documentation of or a sworn affidavit of 20 clock hours of completed approved continuing education earned in the 24 months prior to the date of application for reinstatement. Documentation of continuing education hours must be submitted on a form approved by the Nebraska Commission for the Deaf and Hard of Hearing. Only forms that are complete will be considered. Incomplete forms will be returned with a letter informing the applicant of the information necessary to complete the form;

012.01B5 A written statement by the applicant that contains the rationale for requesting reinstatement of the license.

012.01C If the Commission decides to reinstate the license, a reinstatement notice will be sent by certified letter from the Commission. If the Commission decides not to reinstate the license, a certified letter informing the applicant that their application for reinstatement has been denied will be sent from the Commission. Applicants who are denied license reinstatement may challenge this action in accordance with section 013.

012.01D Reinstatement fee is nonrefundable whether or not license is reinstated.

012.02 License Reinstatement Due to Disciplinary Action as Cited in section 010. An applicant whose license has been revoked, suspended, limited or refused renewal for causes as cited in 010.01 may seek reinstatement as follows:

012.02A The applicant must submit to the Commission:

012.02A1 A completed application. Only forms that are complete will be considered. Incomplete forms will be returned with a letter informing the applicant of the information necessary to complete the form;

012.02A2 A renewal fee (which is to be the same as the initial license fee for each category 005.01 - 005.04), plus a reinstatement fee;

012.02A3 A written statement by the applicant that contains the rationale for requesting reinstatement of the license; and

012.02A4 Evidence that the applicant meets all requirements as cited in 003.01, 003.02, 003.03, or 003.04.

012.02B The materials submitted to the Commission will be reviewed by the Board in instances where the license was disciplined for any of the causes cited in section 010 and the Board will make recommendation to the Commission for future action.

012.02C If the Commission decides to reinstate the license, a reinstatement notice will be sent by certified letter from the Commission. If the Commission decides not to reinstate the license, a letter informing the applicant that his or her application for reinstatement has been denied will be sent by certified letter from the Commission. Applicants who are denied license reinstatement may appeal this action in accordance with section 013.

012.02D Reinstatement fee is nonrefundable whether or not license is reinstated.

### **013 CHALLENGES AND APPEAL RIGHTS.**

013.01 Challenges The procedure for individuals challenging any administrative decision such as the denial of any of the following is stated below: an initial license, license renewal, continuing education credits, a continuing education waiver, license reinstatement or a one year extension of a provisional license. This same procedure applies to individuals challenging license expiration notices received.

013.01A The individual must submit a statement challenging the administrative decision to the Executive Director of the Nebraska Commission for the Deaf and Hard of Hearing. The Executive Director will submit the statement to the Interpreter Issues Committee for review. The Interpreter Issues Committee will make a determination in the matter.

013.01A1 If the Interpreter Issues Committee finds in favor of the individual, a letter notifying the individual of the Interpreter Issues Committee's decision will be sent from the Commission.

013.01A2 If the Interpreter Issues Committee does not find in favor of the individual, a letter will be sent from the committee chairperson notifying the individual of the Interpreter Issues Committee's decision. If the individual wishes to challenge the decision of the Interpreter Issues Committee, he or she must submit a challenge to the full Commission.

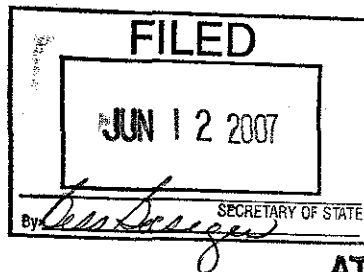
013.01A2a The Commission will review the individual's challenge and will make a final decision in the matter. A certified letter notifying the individual of the Commission's decision will be sent.

013.01A2b Any person aggrieved by the final decision of the Commission is entitled to judicial review in accordance with Neb. Rev. Stat. § 84-917.

013.02 Contested Cases

013.02A The procedure for hearings in contested disciplinary cases before the Commission shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

013.02B Any person aggrieved by the final Commission decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. § 84-917.



APPROVED  
JON BRUNING  
ATTORNEY GENERAL

APPROVED

JUN 12 2007

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**Title 96 - Nebraska Commission for the Deaf and Hard of Hearing  
CHAPTER 1 - PRACTICE AND APPOINTMENT OF SIGN LANGUAGE  
INTERPRETERS**

**Attachment A  
NAD-RID Code of Professional Conduct**

**SCOPE**

The National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) uphold high standards of professionalism and ethical conduct for interpreters. Embodied in this Code of Professional Conduct (formerly known as the Code of Ethics) are seven tenets setting forth guiding principles, followed by illustrative behaviors.

The tenets of this Code of Professional Conduct are to be viewed holistically and as a guide to professional behavior. This document provides assistance in complying with the code. The guiding principles offer the basis upon which the tenets are articulated. The illustrative behaviors are not exhaustive, but are indicative of the conduct that may either conform to or violate a specific tenet or the code as a whole.

When in doubt, the reader should refer to the explicit language of the tenet. If further clarification is needed, questions may be directed to the national office of the Registry of Interpreters for the Deaf, Inc.

This Code of Professional Conduct is sufficient to encompass interpreter roles and responsibilities in every type of situation (e.g., educational, legal, medical). A separate code for each area of interpreting is neither necessary nor advisable.

**PHILOSOPHY**

The American Deaf community represents a cultural and linguistic group having the inalienable right to full and equal communication and to participation in all aspects of society. Members of the American Deaf community have the right to informed choice and the highest quality interpreting services. Recognition of the communication rights of America's women, men, and children who are deaf is the foundation of the tenets, principles, and behaviors set forth in this Code of Professional Conduct.

## **VOTING PROTOCOL**

This Code of Professional Conduct was presented through mail referendum to certified interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf. The vote was to adopt or to reject.

## **ADOPTION OF THIS CODE OF PROFESSIONAL CONDUCT**

Interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf voted to adopt this Code of Professional Conduct, effective July 1, 2005. This Code of Professional Conduct is a working document that is expected to change over time. The aforementioned members may be called upon to vote, as may be needed from time to time, on the tenets of the code.

The guiding principles and the illustrative behaviors may change periodically to meet the needs and requirements of the RID Ethical Practices System. These sections of the Code of Professional Conduct will not require a vote of the members. However, members are encouraged to recommend changes for future updates.

## **FUNCTION OF THE GUIDING PRINCIPLES**

It is the obligation of every interpreter to exercise judgment, employ critical thinking, apply the benefits of practical experience, and reflect on past actions in the practice of their profession. The guiding principles in this document represent the concepts of confidentiality, linguistic and professional competence, impartiality, professional growth and development, ethical business practices, and the rights of participants in interpreted situations to informed choice. The driving force behind the guiding principles is the notion that the interpreter will do no harm.

When applying these principles to their conduct, interpreters remember that their choices are governed by a "reasonable interpreter" standard. This standard represents the hypothetical interpreter who is appropriately educated, informed, capable, aware of professional standards, and fair-minded.

## **CODE OF PROFESSIONAL CONDUCT**

### **Tenets**

1. Interpreters adhere to standards of confidential communication.

2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
4. Interpreters demonstrate respect for consumers.
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
6. Interpreters maintain ethical business practices.
7. Interpreters engage in professional development.

### **APPLICABILITY**

- A. This Code of Professional Conduct applies to certified and associate members of the Registry of Interpreters for the Deaf, Inc., Certified members of the National Association of the Deaf, interns, and students of the profession.
- B. Federal, state or other statutes or regulations may supersede this Code of Professional Conduct. When there is a conflict between this code and local, state, or federal laws and regulations, the interpreter obeys the rule of law.
- C. This Code of Professional Conduct applies to interpreted situations that are performed either face-to-face or remotely.

### **DEFINITIONS**

For the purpose of this document, the following terms are used:

**Colleagues:** Other interpreters.

**Conflict of Interest:** A conflict between the private interests (personal, financial, or professional) and the official or professional responsibilities of an interpreter in a position of trust, whether actual or perceived, deriving from a specific interpreting situation.

**Consumers:** Individuals and entities who are part of the interpreted situation. This includes individuals who are deaf, deaf-blind, hard of hearing, and hearing.

## 1.0 CONFIDENTIALITY

**Tenet:** Interpreters adhere to standards of confidential communication.

**Guiding Principle:** Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved.

Each interpreting situation (e.g., elementary, secondary, and post-secondary education, legal, medical, mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

### **Illustrative Behavior - Interpreters:**

- 1.1 Share assignment-related information only on a confidential and "as-needed" basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities).
- 1.2 Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g., shredding, locked files).
- 1.3 Inform consumers when federal or state mandates require disclosure of confidential information.

## 2.0 PROFESSIONALISM

**Tenet:** Interpreters possess the professional skills and knowledge required for the specific interpreting situation.

**Guiding Principle:** Interpreters are expected to stay abreast of evolving language use and trends in the profession of interpreting as well as in the American Deaf community.

Interpreters accept assignments using discretion with regard to skill, communication mode, setting, and consumer needs. Interpreters possess knowledge of American Deaf culture and deafness-related resources.

**Illustrative Behavior - Interpreters:**

- 2.1 Provide service delivery regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, or any other factor.
- 2.2 Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed.
- 2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.
- 2.4 Request support (e.g., certified deaf interpreters, team members, language facilitators) when needed to fully convey the message or to address exceptional communication challenges (e.g. cognitive disabilities, foreign sign language, emerging language ability, or lack of formal instruction or language).
- 2.5 Refrain from providing counsel, advice, or personal opinions.
- 2.6 Judiciously provide information or referral regarding available interpreting or community resources without infringing upon consumers' rights.

**3.0 CONDUCT**

**Tenet:** Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.

**Guiding Principle:** Interpreters are expected to present themselves appropriately in demeanor and appearance. They avoid situations that result in conflicting roles or perceived or actual conflicts of interest.

**Illustrative Behavior - Interpreters:**

- 3.1 Consult with appropriate persons regarding the interpreting situation to determine issues such as placement and adaptations necessary to interpret effectively.
- 3.2 Decline assignments or withdraw from the interpreting profession when not competent due to physical, mental, or emotional factors.

- 3.3 Avoid performing dual or conflicting roles in interdisciplinary (e.g. educational or mental health teams) or other settings.
- 3.4 Comply with established workplace codes of conduct, notify appropriate personnel if there is a conflict with this Code of Professional Conduct, and actively seek resolution where warranted.
- 3.5 Conduct and present themselves in an unobtrusive manner and exercise care in choice of attire.
- 3.6 Refrain from the use of mind-altering substances before or during the performance of duties.
- 3.7 Disclose to parties involved any actual or perceived conflicts of interest.
- 3.8 Avoid actual or perceived conflicts of interest that might cause harm or interfere with the effectiveness of interpreting services.
- 3.9 Refrain from using confidential interpreted information for personal, monetary, or professional gain.
- 3.10 Refrain from using confidential interpreted information for the benefit of personal or professional affiliations or entities.

#### **4.0 RESPECT FOR CONSUMERS**

**Tenet:** Interpreters demonstrate respect for consumers.

**Guiding Principle:** Interpreters are expected to honor consumer preferences in selection of interpreters and interpreting dynamics, while recognizing the realities of qualifications, availability, and situation.

##### **Illustrative Behavior - Interpreters:**

- 4.1 Consider consumer requests or needs regarding language preferences, and render the message accordingly (interpreted or transliterated).
- 4.2 Approach consumers with a professional demeanor at all times.

- 4.3 Obtain the consent of consumers before bringing an intern to an assignment.
- 4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers.

## **5.0 RESPECT FOR COLLEAGUES**

**Tenet: Interpreters demonstrate respect for colleagues, interns and students of the profession.**

**Guiding Principle:** Interpreters are expected to collaborate with colleagues to foster the delivery of effective interpreting services. They also understand that the manner in which they relate to colleagues reflects upon the profession in general.

### **Illustrative Behavior - Interpreters:**

- 5.1 Maintain civility toward colleagues, interns, and students.
- 5.2 Work cooperatively with team members through consultation before assignments regarding logistics, providing professional and courteous assistance when asked and monitoring the accuracy of the message while functioning in the role of the support interpreter.
- 5.3 Approach colleagues privately to discuss and resolve breaches of ethical or professional conduct through standard conflict resolution methods; file a formal grievance only after such attempts have been unsuccessful or the breaches are harmful or habitual.
- 5.4 Assist and encourage colleagues by sharing information and serving as mentors when appropriate.
- 5.5 Obtain the consent of colleagues before bringing an intern to an assignment.

## **6.0 BUSINESS PRACTICES**

**Tenet: Interpreters maintain ethical business practices.**

**Guiding Principle:** Interpreters are expected to conduct their business in a professional manner whether in private practice or in the employ of an agency or other entity. Professional interpreters are entitled to a living wage based on their qualifications and expertise. Interpreters are also entitled to working conditions conducive to effective service delivery.

**Illustrative Behavior - Interpreters:**

- 6.1 Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested.
- 6.2 Honor professional commitments and terminate assignments only when fair and justifiable grounds exist.
- 6.3 Promote conditions that are conducive to effective communication, inform the parties involved if such conditions do not exist, and seek appropriate remedies.
- 6.4 Inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.
- 6.5 Reserve the option to decline or discontinue assignments if working conditions are not safe, healthy, or conducive to interpreting.
- 6.6 Refrain from harassment or coercion before, during, or after the provision of interpreting services.
- 6.7 Render *pro bono* services in a fair and reasonable manner.
- 6.8 Charge fair and reasonable fees for the performance of interpreting services and arrange for payment in a professional and judicious manner.

**7.0 PROFESSIONAL DEVELOPMENT**

**Tenet:** Interpreters engage in professional development.

**Guiding Principle:** Interpreters are expected to foster and maintain interpreting competence and the stature of the profession through ongoing development of knowledge and skills.

**Illustrative Behavior - Interpreters:**

- 7.1 Increase knowledge and strengthen skills through activities such as:
- pursuing higher education;
  - attending workshops and conferences;
  - seeking mentoring and supervision opportunities;
  - participating in community events; and
  - engaging in independent studies.
- 7.2 Keep abreast of laws, policies, rules, and regulations that affect the profession.

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